

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Len C. Kretchman and David Geske
Title : Sealed Crustless Sandwich
Our Docket : SMEE 2 12271-5-1

TERMINAL DISCLAIMER

Petitioner, The J. M. Smucker Company, a corporation of the State of Ohio, having a place of business at Strawberry Lane, Orrville, Ohio 44667, represents that it is the owner of 100 percent interest in the above-identified patent.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of the above-identified patent, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior United States Letters Patent No. 6,004,596 and any patent granted from United States Patent Application Serial Nos. 09/821,137 filed March 30, 2001 and 09/845,925 filed April 30, 2001. Petitioner hereby agrees that the above-identified patent shall be enforceable only for and during such period that it and the prior patent and patent applications are commonly owned. This agreement runs with the above-identified patent and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of the above-identified patent that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent and any patent granted on the prior patent applications, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by re-examination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

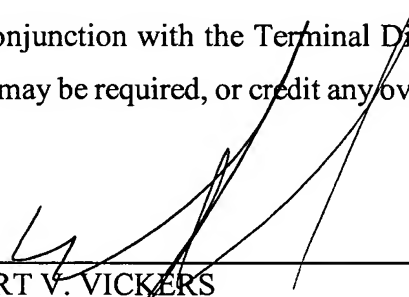
The chain of title is set forth in the documents which have been recorded in the Patent Office at reel and frame numbers: 011436/0276-0279.

The undersigned states that, to the best of the petitioner's knowledge and belief, title is in the petitioner seeking to take this action.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization, and is empowered to act on behalf of the assignee, and declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

For any fee deficiency or overpayment in conjunction with the Terminal Disclaimer, the Commissioner is authorized to charge any fee which may be required, or credit any overpayment to Deposit Account No. 06-0308.

Date



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